



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,056	03/14/2000	Katsumi Karasawa	35.C14345	7623

5514 7590 03/14/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

STEVENS, ROBERTA A

ART UNIT	PAPER NUMBER
----------	--------------

2665

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/525,056

Applicant(s)

KARASAWA, KATSUMI

Examiner

Roberta A Stevens

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 12-14, 18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Citta (U.S. 5602595).

Citta teaches (abstract and figure 2) an information processing apparatus comprising: input means for inputting variable length packet data including packet length information indicative of a packet length and encoded information data, and identification flag information for identifying said packet length information; judgment means for distinguishing the packet length information included in said packet data in accordance with said identification flag information and judging the packet length of said packet data; packet generating means for generating said variable length packet data into fixed length packet data in accordance with an output of said judgment means, and transmitting the fixed length packet data; and a clock reference information generating means for use in a time reference during decoding of encoded data.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2665

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-11, 15-17, 19-21 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Citta.

Regarding claims 7-10, 15-17, 19-21 and 23-25, as mentioned above, Citta teaches the limitations of claims 1, 12, 18 and 22.

Citta does not teach conformance to ISO/IEC 13818-1 and 13818-2. However these standards are well know in the art and it would have been obvious to one ordinary skill in this art to adapt to Citta's system as a method of design choice.

Regarding claim 11, it is inherent in Citta's system that some type of indicator is present to denote the length of the packet.

Regarding claims 26-31, as mentioned above Citta teaches (abstract and figure 2) an information processing apparatus comprising: input means for inputting variable length packet data including packet length information indicative of a packet length and encoded information data, and identification flag information for identifying said packet length information; judgment means for distinguishing the packet length information included in said packet data in accordance with said identification flag information and judging the packet length of said packet data; packet generating means for generating said variable length packet data into fixed length packet data in accordance with an output of said judgment means, and transmitting the fixed length packet data; and a clock reference information generating means for use in a time reference during decoding of encoded data.

Citta does not teach program specific information included in the data. However Since Citta's teaches a well-known type of data (MPEG), which with the proper program specific

Art Unit: 2665

information is computer readable, it would have been obvious to one of ordinary skill in this art to adapt to Citta's system program specific information to display the data via computer.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Birdwell (U.S. 6172972 B1), Karasawa (U.S. 6333950 B1), Yanagihara (U.S. 5321440), Wallace (U.S. 6252887 B1) and Shimoda (U.S. 5440345) are cited to show the state of the art.

6. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

For informal draft communications, please label "PROPOSED" or "DRAFT"

Application/Control Number: 09/525,056

Page 5

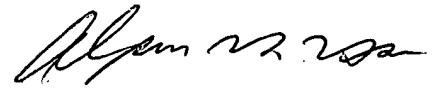
Art Unit: 2665

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

03-07-03



**ALPUS H. HSU
PRIMARY EXAMINER**